

JEREMY PRATT,)	
ROBERT J. RUFFNER, and)	
JOHN TEBBETTS,)	
on their own behalf and)	Civil Action No.
on behalf of all others similarly)	1:20-cv-00295-JDL
situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
SECURUS TECHNOLOGIES, INC.,)	
)	
Defendant.)	

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO
DISMISS AND MOTION TO STRIKE CLASS ALLEGATIONS BY
DEFENDANT SECURUS TECHNOLOGIES, LLC
(f/k/a SECURUS TECHNOLOGIES, INC.)**

Pursuant to Federal Rule of Evidence 201, and in connection with its motion to dismiss Plaintiffs' First Amended Complaint ("FAC") pursuant to Federal Rules of Civil Procedure 12(b)(1) & 12(b)(6) and motion to strike class allegations pursuant to Federal Rule of Civil Procedure 12(f), defendant Securus Technologies LLC f/k/a Securus Technologies, Inc. ("Securus"), respectfully requests that the Court take judicial notice of the following:

(1) Maine Department of Corrections ("Maine DOC") Policy No. 21.3, "Prisoner Telephone System", dated May 14, 2002 (effective) and June 13, 2019 (last revision), a true and correct copy of which is attached hereto as **Exhibit 1**, and available for download at the following link: <https://www.maine.gov/corrections/about/policies-procedures-proposed-rules>.¹

(2) The Aroostook County Jail Inmate Handbook, dated September 2020, a true and correct copy of which is attached hereto as **Exhibit 2**.

ARGUMENT AND CITATION TO AUTHORITIES

In evaluating motions to dismiss, courts routinely take judicial notice of state and county agency policies. *See e.g. Wilson v. Clinton*, 2:17-cv-00409-GZS, 2018 U.S. Dist. LEXIS 123231, at *2 n.2 (D. Me. July 24, 2018) (taking judicial notice of Maine DOC Policy No. 29.02, "Prisoner Grievance Process, Medical and Mental Health Care"); *see also Draper v. State of Me. Dep't of Health & Human Servs.*, No. 2:13-cv-00028-JAW, 2013 U.S. Dist. LEXIS 121506, at *11 (D. Me. Aug. 27, 2013) (taking judicial notice of Maine Department of Health and Human Services Language Access

¹ Last accessed on November 17, 2020.

Policy); *see also* *Haley v. City of Boston*, 657 F.3d 39, 46 (1st Cir. 2011) (on motion to dismiss, court “may augment [the pleadings] with data points gleaned from documents incorporated by reference into the complaint, matters of public record, and facts susceptible to judicial notice”); *see also* *Battle v. Collier Cnty. Sheriff's Office*, No. 2:14-cv-98-FtM-29DNF, at *7 (M.D. Fla. Mar. 6, 2014) (taking judicial notice of the “Collier County Jail Policy and Procedure Manual” regarding inmate grievances and dismissing inmate plaintiff’s complaint for failure to exhaust administrative remedies”); *see also* *Carter v. Arpaio*, No. CV 08-1651-PHX-DGC (MEA), at *3 n.2 (D. Ariz. Apr. 14, 2009) (taking judicial notice of the Maricopa County Jail’s Grievance Procedure); *see also* *Polnitz v. Peoria County*, 08-1035, at *2 (C.D. Ill. Feb. 4, 2009) (taking judicial notice of the grievance policy contained in the Peoria County Jail Policies and Procedure Manual).

In this case, Maine DOC Policy No. 21.3 and the Aroostook County Jail Inmate Handbook are properly subject to judicial notice because they are “generally known within the trial court’s territorial jurisdiction” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Because Securus has “request[ed] it and [supplied] the court . . . with the necessary information,” the Court should take judicial notice of Maine DOC Policy No. 21.3 and the Aroostook County Jail Inmate Handbook. Fed. R. Evid. 201(c).

Dated: November 20, 2020

Respectfully submitted,

/s/ Rebecca Gray Klotzle

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Counsel for Defendant

Securus Technologies, LLC
f/k/a Securus Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic notice to be sent to all registered counsel of record.

Dated: November 20, 2020

/s/ Rebecca Gray Klotzle
Counsel for Defendant
Securus Technologies, LLC,
f/k/a Securus Technologies, Inc.